110TH CONGRESS 1ST SESSION

H. R. 319

To establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 5, 2007

Mr. Wolf (for himself, Mr. Cantor, Mrs. Jo Ann Davis of Virginia, Mr. Tom Davis of Virginia, Mrs. Capito, Mr. Scott of Virginia, Mr. Platts, Mr. Moran of Virginia, and Mr. McCrery) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "Journey Through Hallowed Ground National Heritage
- 6 Area Act".
- 7 (b) Table of Contents.—The table of contents for
- 8 this Act is as follows:
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Definitions.
 - Sec. 3. Findings and purposes.

- Sec. 4. Journey Through Hallowed Ground National Heritage Area. Sec. 5. Authorities and duties of management entity.
- Sec. 6. Approval or disapproval of management plan.
- Sec. 7. Provision of financial and technical assistance.
- Sec. 8. Duties of other Federal entities.
- Sec. 9. Sunset for grants and other assistance.
- Sec. 10. Requirements for inclusion of private property.
- Sec. 11. Private property protection.
- Sec. 12. Use of Federal funds from other sources.
- Sec. 13. Authorization of appropriations.

1 SEC. 2. DEFINITIONS.

- 2 In this Act:
- 3 (1) HERITAGE AREA.—The term "Heritage
- 4 Area" means the Journey Through Hallowed
- 5 Ground National Heritage Area.
- 6 (2) Management entity.—The term "man-
- 7 agement entity" means The Journey Through Hal-
- 8 lowed Ground Partnership, a Virginia nonprofit cor-
- 9 poration referred to in section 4(c), or its successor
- 10 entity.
- 11 (3) Management plan.—The term "manage-
- ment plan" means the management plan for the
- Heritage Area.
- 14 (4) Partner.—The term "partner" means—
- 15 (A) a Federal, State, or local governmental
- 16 entity; and
- 17 (B) an organization, private industry, or
- individual involved in promoting the conserva-
- tion and preservation of the historical, cultural,
- and recreational resources of the Heritage Area.

(5) SECRETARY.—The term "Secretary" means
 the Secretary of the Interior.

3 SEC. 3. FINDINGS AND PURPOSES.

- (a) FINDINGS.—The Congress finds the following:
- (1) Numerous sites of significant American her-itage are situated within the boundaries of the Jour-ney Through Hallowed Ground National Heritage Area established by section 4, which runs from Get-tysburg in the Commonwealth of Pennsylvania, gen-erally along Route 15 in Maryland, looping to Harp-ers Ferry, West Virginia, back to the Route 15/231 area to Monticello in Albemarle County in the Com-monwealth of Virginia.
 - (2) Included among the numerous historically significant sites, structures, battlefields, and districts are 8 homes of former United States Presidents, the largest concentration of Civil War battlefields in the country, the greatest concentration of rural historic districts in the country, 15 National Historic Landmarks, two World Heritage Sites, 15 Main Street Communities, 11 units of the National Park System, 52 Historic Districts, and a significant concentration of Rural Historic Districts, which are collectively and individually of national significance in the history of the United States.

- 1 (3) In 1996, a collaborative public-private part-2 nership, including the National Trust for Historic 3 Preservation, the National Park Service, Scenic America, private citizens, and a four-State coalition 5 of local and regional governmental and private sector 6 organizations, began an initiative to assess historic 7 sites along the Route 15 corridor and surrounding 8 areas. The initiative issued a comprehensive study of 9 significant sites and structures (cataloguing over 10 13,000 buildings already on the National Register of 11 Historic Places) associated with Native American, 12 African American, European American, Colonial 13 American, Revolutionary, and Civil War history, and 14 concluded that the sites possess historical, cultural, 15 and architectural value of national significance and 16 retain a high degree of historical integrity.
 - (4) The preservation and interpretation of the sites within the Heritage Area will make a vital contribution to the understanding of the development and heritage of the United States for the education and benefit of present and future generations.
 - (5) The Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States.

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- 1 (6) There are significant examples of those re2 sources within the Heritage Area that merit the in3 volvement of the Federal Government to develop
 4 programs and projects, in cooperation with the man5 agement entity and local and State governmental
 6 bodies, to adequately conserve, support, protect, and
 7 interpret this heritage.
- 8 (7) Partnerships between Federal, State, and 9 local governments, the regional entities of such gov-10 ernments, the private sector, and citizenry offer the 11 most effective opportunities for the enhancement 12 and management of the historical sites throughout 13 the four-State Heritage Area to promote the cultural 14 and historical attractions of the Heritage Area for 15 visitors and the local economy.
 - (8) The Journey Through Hallowed Ground Partnership would be an appropriate management entity for the Heritage Area.
- 19 (b) Purposes.—The purposes of the Journey20 Through Hallowed Ground National Heritage Area are—
- 21 (1) to preserve, support, conserve, and interpret 22 the legacy of the American history created along the 23 Heritage Area;

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- (2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;
 - (3) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;
 - (4) to recognize and interpret the effect of the Civil War on the civilian population of the Heritage Area during the war and post-war reconstruction period; and
 - (5) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the Heritage Area.

SEC. 4. JOURNEY THROUGH HALLOWED GROUND NA-

- 2 TIONAL HERITAGE AREA.
- 3 (a) Establishment.—There is hereby established
- 4 the Journey Through Hallowed Ground National Heritage
- 5 Area.
- 6 (b) Boundaries.—
- 7 (1) In General.—The Heritage Area shall
- 8 consist of the 175-mile region generally following the
- 9 Route 15 corridor and surrounding areas from
- 10 Adams County, Pennsylvania, through Frederick
- 11 County, Maryland, including the Heart of the Civil
- War Maryland State Heritage Area, looping through
- Brunswick, Maryland, to Harpers Ferry, West Vir-
- ginia, back through Loudoun County, Virginia, to
- the Route 15 corridor and surrounding areas encom-
- passing portions of Loudoun and Prince William
- 17 Counties, Virginia, then Fauquier County, Virginia,
- portions of Spotsylvania and Madison Counties, Vir-
- 19 ginia, and Culpepper, Rappahannock, Orange, and
- Albemarle Counties, Virginia. The boundaries of the
- 21 Heritage Area shall include all of those lands and in-
- terests as generally depicted on the map titled
- "Journey Through Hallowed Ground National Her-
- itage Area", numbered P90/80,000, and dated Octo-
- 25 ber 2006.

1	(2) Map.—The map referred to in paragraph
2	(1) shall be on file in the appropriate offices of the
3	National Park Service.
4	(c) Management Entity.—The management entity
5	for the Heritage Area shall be The Journey Through Hal-
6	lowed Ground Partnership, a Virginia nonprofit corpora-
7	tion.
8	(d) BOARD OF TRUSTEES.—The board of trustees of
9	the management entity shall include representatives from
10	a broad cross-section of the individuals, agencies, organi-
11	zations, States, and governments that—
12	(1) are partners of the management entity; and
13	(2) will oversee the development and implemen-
14	tation of the management plan.
15	SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTI-
16	TY.
17	(a) Authorities of the Management Entity.—
18	(1) AUTHORITY TO ACCEPT FUNDS.—The man-
19	agement entity may accept funds from any Federal
20	source and from States and their political subdivi-
21	sions, private organizations, nonprofit organizations
22	or any other person to carry out its authorities and
23	duties under this Act.
24	(2) Use of funds.—The management entity
25	may use funds made available under this Act for

1	purposes of preparing, updating, and implementing
2	the management plan. Such purposes may include
3	the following:
4	(A) Making grants to, and entering into
5	cooperative agreements with, States and their
6	political subdivisions, private organizations,
7	non-profit organizations or any other person.
8	(B) Hiring and compensating staff.
9	(C) Entering into contracts for goods,
10	services, and leases for office space.
11	(D) Undertaking any other initiatives that
12	advance the purposes of the Heritage Area.
13	(b) Management Plan.—The management entity
14	shall develop a management plan for the Heritage Area
15	that—
16	(1) presents comprehensive strategies and rec-
17	ommendations for conservation, funding, manage-
18	ment, and development of the Heritage Area;
19	(2) takes into consideration existing State,
20	county, and local plans and involves residents, public
21	agencies, and private organizations working in the
22	Heritage Area;
23	(3) includes a description of actions that units
24	of government and private organizations and individ-

- uals have decided to undertake in furtherance of the
 purposes of this Act;
 - (4) specifies the existing and potential sources of funding to protect, support, manage, and develop the Heritage Area;
 - (5) includes an inventory of the natural, historical, cultural, architectural, scenic, and recreational resources in the Heritage Area that wish to be preserved, restored, supported, managed, developed, or maintained, because of the national historic significance of the resources;
 - (6) includes an analysis of ways in which local, State, and Federal programs may coordinate to promote the purposes of this Act; including recommendations from the Commonwealth of Virginia, the States of Maryland and West Virginia, and the Commonwealth of Pennsylvania (and political subdivisions thereof) for the management, protection, support, and interpretation of the natural, cultural, and historical resources of the Heritage Area;
 - (7) identifies appropriate partners and partnerships among Federal, State, and local governments, regional entities, and the private sector in furtherance of the purposes of the Act;

- (8) includes locations for visitor contact and
 major interpretive facilities;
 (9) includes provisions for appropriate living
 history demonstrations and battlefield reenactments;
 - (10) includes provisions for implementing a continuing program of interpretation for resident, student, and visitor education concerning the resources and values of the Heritage Area;
 - (11) includes provisions for a uniform historical marker and wayside exhibit program in the Heritage Area, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within the historic core areas and contribute to the understanding of the Heritage Area;
 - (12) includes provisions for the protection and interpretation of the natural, cultural, and historic resources of the Heritage Area consistent with this Act; and
 - (13) includes provisions for the development of educational outreach programs for students of all ages to further the understanding of the vast resources within the Heritage Area.
- 24 (c) Deadline for Submission; Prerequisites.—

- 1 (1) DEADLINE.—The management entity shall submit the management plan to the Secretary not later than the end of the three-year period beginning on the date on which funds are first made available for this Act.
 - (2) Prefequisites.—Before submitting the management plan to the Secretary, the management entity shall ensure that—
 - (A) the Commonwealth of Virginia, the States of Maryland and West Virginia, the Commonwealth of Pennsylvania, and any political subdivision thereof that would be affected by the management plan, receives a copy of the management plan;
 - (B) adequate notice of availability of the management plan is provided through publication in appropriate local newspapers in the area of the Heritage Area;
 - (C) at least one public hearing is conducted by the management entity at a location within the Heritage Area in each congressional district included in whole or in part in the Heritage Area to review and receive comments on the management plan; and

1	(D) a committee made up of elected offi-					
2	cials of local governments within the boundaries					
3	of the Heritage Area, including mayors, town					
4	and county council chairs, and members of bor-					
5	ough commissions and boards of supervisors,					
6	has had an opportunity to review, comment on,					
7	and approve (by majority vote) the managemen					
8	plan.					
9	(d) TERMINATION OF FUNDING.—If a management					
10	plan is not submitted to the Secretary in accordance with					
11	subsection (c), the Secretary shall not, after the end of					
12	the period specified in such subsection, provide any grant					
13	or other assistance under this Act with respect to the Her-					
14	itage Area until a management plan for the Heritage Area					
15	is submitted to the Secretary.					
16	(e) Duties of Management Entity.—The man-					
17	agement entity shall—					
18	(1) give priority to implementing actions set					
19	forth in the management plan;					
20	(2) assist units of government, regional plan-					
21	ning organizations, and nonprofit organizations in—					
22	(A) establishing and maintaining interpre-					
23	tive materials and exhibits in the Heritage					
24	Area;					

1	(B) developing historical and cultural re-
2	sources and educational programs in the Herit-
3	age Area;
4	(C) increasing public awareness of and ap-
5	preciation for the natural, historical, cultural,
6	architectural, scenic, and recreational resources
7	and sites in the Heritage Area;
8	(D) the restoration of any historic building
9	relating to the themes of the Heritage Area;
10	(E) ensuring that clear signs identifying
11	access points and sites of interest are put in
12	place throughout the Heritage Area; and
13	(F) carrying out other actions that the
14	management entity determines to be advisable
15	to fulfill the purposes of this Act;
16	(3) encourage by appropriate means economic
17	viability in the Heritage Area consistent with the
18	purposes of this Act;
19	(4) consider the interests of diverse govern-
20	mental, business, nonprofit groups, and individuals
21	within the Heritage Area; and
22	(5) for any year in which Federal funds have
23	been provided to implement the management plan—

- 1 (A) conduct public meetings at least annually regarding the implementation of the management plan;
 - (B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and
 - (C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.
- 16 (f) Prohibition on the Acquisition of Real 17 Property.—The management entity may not use Fed-18 eral funds received under this Act to acquire real property 19 or any interest in real property. No State or local subdivi-20 sion of a State shall use any Federal funds received pursu-21 ant to this Act to acquire any interest in real property 22 by condemnation or otherwise.

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1	SEC. 6. APPROVAL OR DISAPPROVAL OF MANAGEMENT
2	PLAN.
3	(a) Time for Consideration; Criteria.—The
4	Secretary, in consultation with the Governors of the Com-
5	monwealth of Virginia, the States of Maryland and West
6	Virginia, and the Commonwealth of Pennsylvania, shall
7	approve or disapprove a management plan submitted
8	under section 5 not later than 180 days after receiving
9	the plan. In considering the plan, the Secretary shall take
10	into consideration the following criteria:
11	(1) The extent to which the management plan,
12	when implemented, would adequately preserve, sup-
13	port and protect the significant historical, cultural
14	and recreational resources of the Heritage Area.
15	(2) The level of public participation in the de-
16	velopment of the management plan.
17	(3) The extent to which the board of trustees
18	of the management entity is representative of the
19	local governments affected and a wide range of in-
20	terested organizations and citizens.
21	(b) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
22	retary disapproves a management plan, the Secretary shall
23	advise the management entity in writing of the reasons
24	for the disapproval and shall make recommendations for

25 revisions in the management plan. The Secretary shall ap-

- 1 prove or disapprove a proposed revision within 180 days
- 2 after the date it is submitted.
- 3 (c) Approving Changes.—The Secretary shall re-
- 4 view and approve or disapprove any amendment to the
- 5 management plan that would make a substantial change
- 6 to the management plan, as determined by the Secretary.
- 7 The review and approval or disapproval of an amendment
- 8 shall be conducted in the manner provided under sub-
- 9 sections (a) and (b). Funds appropriated under this Act
- 10 may not be expended to implement the changes made by
- 11 such an amendment unless and until the Secretary ap-
- 12 proves the amendment.
- 13 (d) Effect of Inaction.—If the Secretary does not
- 14 approve or disapprove the management plan or amend-
- 15 ment thereto within 180 days after it is submitted to the
- 16 Secretary, then the management plan or amendment shall
- 17 be deemed to have been approved by the Secretary.
- 18 (e) Availability of Annual Reports.—The man-
- 19 agement entity shall post each annual report prepared
- 20 under section 5(e)(5)(B) on a website maintained by the
- 21 management entity.
- 22 SEC. 7. PROVISION OF FINANCIAL AND TECHNICAL ASSIST-
- ANCE.
- 24 (a) Overall Assistance.—Upon the request of the
- 25 management entity and subject to the availability of ap-

- 1 propriations, the Secretary may provide technical and fi-
- 2 nancial assistance to the management entity to carry out
- 3 its duties under this Act, including updating and imple-
- 4 menting the management plan and, prior to approval of
- 5 the management plan, providing assistance for initiatives.
- 6 (b) Technical Assistance.—If the Secretary has
- 7 the resources available to provide technical assistance to
- 8 the management entity to carry out its duties under this
- 9 Act, including updating and implementing the manage-
- 10 ment plan and, prior to approval of the management plan,
- 11 providing assistance for initiatives, the Secretary shall
- 12 provide such assistance upon the request of the manage-
- 13 ment entity. Technical assistance provided under this sub-
- 14 section shall be provided on a reimbursable basis, except
- 15 that this subsection does not preclude the Secretary from
- 16 providing nonreimbursable assistance under subsection
- 17 (a).
- 18 (c) Priority.—In assisting the management entity,
- 19 the Secretary shall give priority to actions that assist in—
- 20 (1) the implementation of the management
- 21 plan;
- 22 (2) the provision of educational assistance and
- advice regarding management of the significant his-
- toric resources of the region;

1	(3) the development and application of tech-
2	niques promoting the preservation of cultural, rec-
3	reational and historic properties;
4	(4) the preservation, restoration, and reuse of
5	publicly and privately owned historic buildings;
6	(5) the design and fabrication of a wide range
7	of interpretive materials based on the management
8	plan, including, among other things, guide bro-
9	chures, visitor displays, audio-visual, books, interpre-
10	tive dialogues, interactive exhibits, and educational
11	curriculum materials for public education; and
12	(6) the implementation of initiatives prior to
13	approval of the management plan.
14	(d) Matching Funds.—As a condition of providing
15	financial assistance under this section to the management
16	entity, the Secretary shall require the recipient to provide
17	matching funds in an amount equal to the amount of the
18	financial assistance provided by the Secretary. Recipient
19	matching funds—
20	(1) shall be derived from non-Federal sources:
21	and
22	(2) may be made in the form of in-kind con-
23	tributions of goods and services fairly valued.

1 SEC. 8. DUTIES OF OTHER FEDERAL ENTITIES.

2	Any	Federal	entity	conducting	or	supporting	activi-
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- 3 ties directly affecting the Heritage Area shall—
- 4 (1) consult with the Secretary and the manage-
- 5 ment entity with respect to such activities;
- 6 (2) cooperate with the Secretary and the man-
- 7 agement entity in carrying out their duties under
- 8 this Act and, to the maximum extent practicable, co-
- 9 ordinate such activities with the carrying out of such
- duties; and
- 11 (3) to the maximum extent practicable, conduct
- or support such activities in a manner that the man-
- agement entity determines shall not have an adverse
- effect on the Heritage Area.

15 SEC. 9. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

- 16 The Secretary may not make any grant or provide
- 17 any other financial assistance under this Act after the ex-
- 18 piration of the 15-year period beginning on the date that
- 19 funds are first made available for this Act.

20 SEC. 10. REQUIREMENTS FOR INCLUSION OF PRIVATE

- 21 **PROPERTY.**
- 22 (a) Notification and Consent of Property
- 23 Owners Required.—No privately owned property shall
- 24 be preserved, conserved, or promoted under the manage-
- 25 ment plan unless and until the owner of that private prop-
- 26 erty has been—

1	(1) notified in writing by the management enti-
2	ty; and
3	(2) given written consent to the management
4	entity for such preservation, conservation, or pro-
5	motion.
6	(b) Landowner Withdrawal.—Any owner of pri-
7	vate property included within the boundaries of the Herit-
8	age Area shall have their property immediately removed
9	from the boundaries by submitting a written request to
10	the management entity.
11	(c) Change of Ownership.—If private property in-
12	cluded within the boundaries of the Heritage Area has
13	been excluded from the Heritage Area or has not been pre-
14	served, conserved, or promoted under the management
15	plan because the owner has not given or has withdrawn
16	consent, upon change of ownership of that private prop-
17	erty, the management entity may request consent from the
18	new owners.
19	SEC. 11. PRIVATE PROPERTY PROTECTION.
20	(a) Access to Private Property.—Nothing in
21	this Act shall be construed to—
22	(1) require any private property owner to allow
23	public access (including Federal, State, or local gov-
24	ernment access) to such private property; or

- 1 (2) modify any provision of Federal, State, or
- 2 local law with regard to public access to or use of
- 3 private property.
- 4 (b) Liability.—Designation of the Heritage Area
- 5 shall not be considered to create any liability, or to have
- 6 any effect on any liability under any other law, of any pri-
- 7 vate property owner with respect to any persons injured
- 8 on such private property.
- 9 (c) Recognition of Authority to Control Land
- 10 Use.—Nothing in this Act shall be construed to modify
- 11 the authority of Federal, State, or local governments to
- 12 regulate land use, including the authority of Federal,
- 13 State, and local governments to make safety improvements
- 14 or increase the capacity of existing roads or to construct
- 15 new roads.
- 16 (d) Participation of Private Property Owners
- 17 IN HERITAGE AREA.—Nothing in this Act shall be con-
- 18 strued to require the owner of any private property located
- 19 within the boundaries of the Heritage Area to participate
- 20 in or be associated with the Heritage Area.
- 21 (e) Effect of Establishment.—The boundaries
- 22 designated for the Heritage Area represent the area within
- 23 which Federal funds appropriated for the purpose of this
- 24 Act may be expended. The establishment of the Heritage
- 25 Area and its boundaries shall not be construed to provide

- 1 any nonexisting regulatory authority on land use within
- 2 the Heritage Area or its viewshed by the Secretary, the
- 3 National Park Service, or the management entity.
- 4 SEC. 12. USE OF FEDERAL FUNDS FROM OTHER SOURCES.
- 5 Nothing in this Act shall preclude the management
- 6 entity from using Federal funds available under Acts other
- 7 than this Act for the purposes for which those funds were
- 8 authorized.
- 9 SEC. 13. AUTHORIZATION OF APPROPRIATIONS.
- 10 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
- 11 to subsection (b), there are authorized to be appropriated
- 12 to carry out this Act not more than \$1,000,000 for any
- 13 fiscal year. Funds so appropriated shall remain available
- 14 until expended.
- 15 (b) Limitation on Total Amounts Appro-
- 16 PRIATED.—Not more than \$10,000,000 may be appro-
- 17 priated to carry out this Act.